



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2208884
Applicant Name: Bill Walker, Architect for 2316 NE 65th St. LLC
Address of Proposal: 2316 NE 65th St.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a mixed use structure containing 2,496 square feet of retail use at street level and 21 residential units. Parking to be provided on two levels at-grade and below-grade garage for 25 vehicles.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC - Two Design Departures

1. SMC 23.47.024A Open Space.
2. SMC 23.47.008D Residential Lot Coverage.

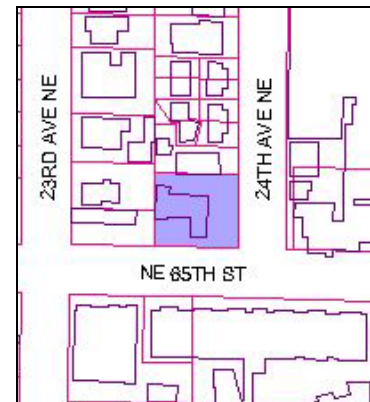
SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
☒ DNS with conditions
☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

* Early DNS Notice published May 15, 2003

BACKGROUND DATA

Site and Area Description

The project site fronts onto the northwest corner of N.E. 65th Street and 24th Avenue N.E. and extends 100 feet northward from N.E. 65th Street. A vacant auto repair shop currently occupies the site. Comprised of mostly Neighborhood Commercial Two with a 40' height (NC2-40) zone classification, this split zoned property has a Lowrise Two (L2) zone classification on the lot's northern most ten feet, 1,020 square feet of the site's 9,024 square feet is Lowrise Two. The site slopes upward by no more than five feet from the southeast to the northwest corner.



Located within a small commercial district in the Ravenna neighborhood, north of the University of Washington campus and the University Village complex, the site lies at the intersection of 24th Avenue NE and NE 65th Street. Along NE 65th Street, a corridor of retail, small offices and multi-family housing stretches from the Chevron station on 25th Avenue N.E. to the recently housed Third Place Books (the former PCC building) at the corner of 21st Avenue NE. Other notable landmarks include the Ida Culver House and the Eckstein-Ravenna Community Center. Multi-family buildings and single family residences extend along 24th Avenue N.E. The primary zoning categories in the immediate area include NC2-40 sited along both sides of N.E. 65th Street, L2 to the north and Single Family 5000 farther to the north to NE 68th Street. Single Family 5000 zoning lies to the south of the shops on 65th Street.

To the east of the site, a redevelopment proposal for the one acre Saxe Floral property is currently being reviewed for permits at DPD. At the same time, a new mixed-use project on the adjacent parcel to the west is nearly completed by the same developers as the subject site.

Proposal Description

The applicant proposes to build three floors of residential units (21 units) above retail commercial space on the first floor facing the two cross streets. A courtyard is proposed for the area between the project directly to the west and the subject property. The proposal for the four-story, mixed-use building provides parking access from 24th Avenue N.E. into a below grade parking structure, approximately 2,500 square feet of commercial space and 17,000 square feet of dwelling units.

Public Comments

Eight members of the community attended the Early Design Guidance meeting on March 3, 2003. The following comments were made for the record.

- Using color and other design elements from the adjacent buildings is sensible but do not treat the two projects as if they were one large building. (Staff note: This comment was repeated several times.)
- Creating the appearance of two buildings on the two sites is preferable. A monolithic appearing structure is too large for the Ravenna community fabric.
- Departing from the 64 percent residential lot coverage requirements is not *de rigueur*. The residential lot coverage and amount of open space should comply with City regulations.
- Establishing a courtyard between the buildings makes sense. It addresses the problem of having an unpleasant looking four foot gap between the structures. The arbor leading into the courtyard should be very attractive.
- Placing most of the open space onto the south side of the project works better than creating open space on the gloomier north side of the building.
- Design lighting to reduce glare onto NE 65th Street and 24th Avenue NE.

Written comments focused on adequacy of on-site parking, height and density.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance meeting on March 3, 2003. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The Board liked the idea of creating a small plaza at the corner of NE 65th Street and 24th Avenue to respond to the landscaped plaza approved for the Saxe Floral project. With high quality landscaping in the plaza and extending north on 24th Avenue NE, the project, along with the Saxe Floral site, has an opportunity of creating an attractive boulevard-like streetscape on 24th Avenue NE. The landscaping should match the quality of the Saxe Floral project.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The three projects along NE 65th Street have an unprecedented opportunity of reshaping a continuous two block streetscape for not only the Ravenna / Bryant neighborhoods but also as a model for many other mixed-use neighborhoods. NE 65th Street serves as an important pedestrian and vehicular corridor and should be designed with the care of an outdoor living room.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The architect proposes a central courtyard between the new project and the adjacent building currently under construction. The residential entry door does not need to be seen directly from the street if the pathway and its architectural and landscaping components leading to the courtyard are well designed. The courtyard should have interesting pavers, well designed lighting and a pergola that leads people to the courtyard from the sidewalk. The journey and the element of surprise make the most compelling paths to courtyards.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

The subject project in concert with its neighbors has the potential of being a dynamic catalyst for neighborhood development. Producing streetscapes that offer architectural and landscape elements that possess a multiplicity of uses (e.g. the planter that also serves as a bench) on the street for the neighborhood is a powerful means of creating community. The Board believes that the broad brush, conceptual ideas presented by the architect are headed in the right direction.

A-6 Transition Between Residence and the Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The courtyard should be a very special place. The Board will want to see specific examples for proposed landscape materials and to review the court's access to natural light. See A-3.

A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

By echoing the Saxe Floral plaza, the proposed project will orient itself to the corner and produce a nice complement of open spaces.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The two adjacent projects clearly provide a strong urban context as well does the Ida Culver House across NE 65th Street. By proposing to fill the gap between the two projects to the west and east, the design must respond creatively to a context that is not yet built. The Board concurred with the citizens attending the meeting that the new proposal should not precisely replicate the Varsity Inn Restaurant building or produce the appearance of a monolithic form in the neighborhood. Varying the roof line and partially echoing the change in roof at the Saxe site adds variety and interest to the architecture.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

Achieving a human scale will be particularly important at the ground level of the mixed-use building. Distinctive architectural elements---canopies, pavers, quality masonry, and ironwork--will help achieve this. The refinement of the details makes for a better human scale. These elements should also appear above the first level on the balcony railings, on the cornice, at important transitions. Decorative metal ironwork for balcony railings, the pergola to the courtyard and other features will tie the two projects to one another.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board members strongly encourage the use of brick at the base of the mixed-use building's north and east faces. It should wrap around into the courtyard between the two buildings.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-orientated open space should be considered.

An important issue needing resolution is the public/private nature of the courtyard. Will neighborhood residents and shoppers have access to the courtyard? Will it be open after business hours? The Board welcomes use of art work and creative use of paving and custom ironwork.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board will carefully consider the security within the courtyard. See D-1. How will the courtyard entry ensure residents' safety?

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

See A-1,2,3,4,7 and 10.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Given the desire of all to knit together the three projects along NE 65th Street, the Board will closely scrutinize the proposed landscaping features. The architect and the development team should look at the clock/water fountain piece at Sandpoint Village (5400 Sandpoint Way NE) as an example of a delightful community centerpiece. A color drawing of the landscape design and photos or samples of the type of materials and colors are necessary.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on April 15, 2003.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meetings on June 16, 2003 respectively, to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comments

Only the development team attended the Recommendation Meeting on June 16, 2003. No comments were added to the record.

Development Standard Departures

The applicant requested departures from the following standards of the Land Use Code:

1. **Open space.** 20% of gross floor area in residential use.
2. **Residential Lot Coverage.** Above 13 feet from finished grade, the residential portion of a structure containing residential and nonresidential uses shall be limited to maximum lot coverage of 64 percent.

Recommendations

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The proposal is the middle link in a chain of three mixed-use buildings. The building to the west, which is under construction, is owned by the same developers. To the east and across 24th Avenue NE, the Saxe Floral site has received its Master Use Permit for redevelopment. At the Early Design Guidance Meeting, the Board and public comment strongly suggested that the proposed design avoid creating a monolithic appearance on NE 65th Street. At the Recommendation Meeting, the Board members recommended modifications to the front façade to create more variety and detail in the façade while remaining sympathetic, in particular, to the neighbor to the west. These recommendations and conditions are spelled out in the following guidelines.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The Board acknowledged at the EDG Meeting that the three projects along NE 65th Street have an unprecedented opportunity of reshaping a continuous two block streetscape for not only the Ravenna / Bryant neighborhoods but also as a model for many other mixed-use neighborhoods. Where the courtyard meets the right-of-way, the applicant has created a wrought-iron entry sign straddling the two projects. The Board recommended that the design should incorporate a Metro bus shelter and strongly recommended that the applicant pursue this with Metro. The bus shelter design should complement the appearance of the “Ravenna Court” wrought-iron sign. The bus stop shelter should be located to allow good access to the courtyard entrance.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The pathway through the courtyard to the residential entry door should be clearly delineated from the street; however, the entry doors do not need to be visible. The Board recommended development of a bus shelter with Metro and stated that it should be located and designed to provide good access into the courtyard.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

At the Recommendation Meeting, the architect presented refined drawings of the courtyard between the owner's buildings. Based on the early design guidance, the architect added "London Cobble Stone" pavers, lighting, a fountain, planting and seating in the courtyard. The Board recommended that the pavers be carried out into the sidewalk. The same pavers should be extended into the right-of-way to the curb at the entrances on NE 65th Street. The Board strongly encouraged the applicant and DCLU to work with Seattle Department of Transportation for approval of the pavers.

A-6 Transition Between Residence and the Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

See A-4. The Board had no further comments.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

At the earlier meeting, the Board noted that the courtyard should be a very special place. Guidance A-4 summarizes the applicant's design response based on the Board's guidance. The Board additionally recommended that one of the two courtyard entrances into the retail space should be converted to a casement window that swings open to enhance the connection between the retail use and the courtyard.

A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The design includes a small open area at the 24th Ave. NE corner to echo the larger proposed plaza at Saxe Floral across the street. The Board liked the entry court and recommended approval.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The two adjacent projects clearly provide a strong urban context as does the Ida Culver House across NE 65th Street. By proposing to fill the gap between the two projects to the west and east, the design must respond creatively to the new context.

At the Recommendation Meeting, the Board reemphasized its concern that this proposal should not replicate the Varsity Inn Restaurant building or produce the appearance of a monolithic form along the street. The Board recommended the following changes to the façade: raise the height of the brick masonry at the corners, distinguish the façade from the adjacent structure by using a basket weave masonry pattern, add corbelling, change the orientation of the brick (soldier courses at lintels, sills, jams and other traditional locations), vary the color of the brick, ensure that the colors of the upper walls complement but remain distinct from the adjacent building, utilize balcony railings with detail that matches the Ravenna Court sign, and increase the size of the windows.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

At the Early Design Guidance Meeting the Board noted that achieving a human scale will be particularly important at the ground level of the mixed-use building. The design should employ distinctive architectural elements---canopies, pavers, quality masonry, and ironwork---to achieve this. The refinement of the details makes for a better human scale. The Board recommended using decorative balcony railings that complement the Varsity Court sign.

The Board recommended the proposed “London Cobble Stone” pavers and the sconces (Hollywood Hills Collection) presented at the meeting.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board appreciated the applicant’s use of brick at the base and the manner in which it wrapped around to the courtyard, along NE 24th Street and to the north facade. The Board recommended that the brick continue along the base of the north façade until approximately mid-point (west of the aperture) and terminate at a brick pier. Brick masonry should extend to the second level at the courtyard and 24th Ave. NE corners. At the balconies overlooking the courtyard, the proposed railings should be replaced by brick with the exception of a handrail on top of the coping in order to provide privacy.

The Board recommended that the masonry have several distinct characteristics: variations in color, introduction of a traditional pattern (Flemish or English bond, for example), soldier courses or corbelling, and other patterning at the windows and doors. The concrete wall on the north façade should be scored to provide a well proportioned pattern and greater visual interest and detail.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-orientated open space should be considered.

An important issue noted at the Early Design Guidance Meeting was the public/private nature of the courtyard. The plans shown to the Board at the Recommendation Meeting indicate that the courtyard will not be enclosed by a security gate and that the area will be used for both the commercial tenants’ and the residents’ purposes. The project architect submitted for review by the Board the hardware for the proposed sconces to ensure that ample lighting is available in the courtyard to provide security and extended use of the space. The Board also requested that chairs and tables be a permanent fixture in the courtyard.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

See D-1

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board recommended that landscaping, as proposed, should be added in the northern portion of the lot to establish a buffer between the adjacent house and the project.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

As of the Recommendation Meeting, the applicant had not submitted a detailed landscape plan with an indication of the type and size of plant species. This will need to be produced and submitted for approval to the DCLU planner before the MUP can be approved.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the June 16, 2003 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the June 16 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the four Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
1. Open Space 23.47.024	20 % of gross floor area in residential use	17.5 %	<ul style="list-style-type: none"> Use of contiguous courtyard from adjacent project. Enhanced materials and features in courtyard between buildings. 	APPROVED
2. Residential Lot Coverage. 23.47.008.D	64 % Lot coverage above 13'.	72%	<ul style="list-style-type: none"> No enclosed units in the L2 zone. 	APPROVED

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Develop a bus stop with the assistance of Metro, SDOT and DPD (formerly DCLU). The bus stop shall resemble in materials and decorative detail the design of the entry sign over the courtyard. The bus stop shall be covered and have seating or a leaning rail. The bus shelter shall not impede the physical path or the visual sight lines from the right-of-way to the courtyard. Contact Sharon Slobodnick, King Country Metro, at 684-1321. (A-2, A-3, A-4)
2. Extend the courtyard's "London Cobble Stone" into the public right-of-way to the street curb or planting strip. The same pavers shall also connect the right-of-way to the other pedestrian entrances on N.E. 65th Street. These shall provide a contrast to the standard two foot by two foot sidewalk grid. (A-4, C-3)
3. Revise one of the two courtyard entrance doors from the commercial storefront (Retail A) to be a casement window that swings open into to the courtyard. (A-7)
4. Raise the height of the brick walls at the building's southeast and southwest corners to include the second floor. Balcony walls overlooking the courtyard shall be brick masonry (substantially opaque) with the option of using a metal railing at the top. (C-1, C-4)

5. Provide a traditional brick masonry pattern (examples include Flemish and English bonds), vary the colors of the brick, and change the brick's orientation (example using soldier courses or a small unit brick) at significant features such as window and door lintels. (C-1, C-4)
6. Continue to wrap the brick masonry along the base of the north façade until approximately mid-point and terminate the masonry with a brick pier resembling the others in elevation. (C-4)
7. Score the north façade's concrete wall to provide scale and nicer detail. (C-4)
8. Revise the balcony railings to resemble the overhead signage at the courtyard. Metal balconies shall have decorative detail. (C-1, C-3)
9. Provide a detailed landscape plan with plant species type and size to the DPD project planner. (E-2)
10. Increase the size of the windows (or number of windows) on the east, south and west facades and enhance the amount of trim framing the windows. This shall serve to reduce the building's bulk. (C-3)
11. Enhance the amount of vegetation in the planting strip along NE 65th Street. (E-2)
12. Ensure that moveable tables and chairs are permanently located in the courtyard. (D-1)
13. Design the courtyard fountain for review and approval by the project planner. (D-1)
14. Vary the color of the hardiboard walls. Stay within the earth tones but distinguish the colors from the adjacent building. Colors are subject to review and approval by the land use planner. (C-4)
15. Ensure that a small entry court is located at the building's southeast corner. (A-10)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Design Review Board Recommendation #1 would have provided a bus shelter integrated with the project. Conversations with Metro since the Board's recommendation have clarified that the current bus stop will be moved away from the current location to the adjacent parcel. This recommendation by the Board no longer applies. Board Recommendation #4 focuses on the second floor corner conditions and the use of brick masonry to emphasize the solidity of the corners as well as providing privacy for the tenants using the corner balconies. Based on a review of two alternative designs produced by the architect after the Design Review meetings, the Director considers the use of brick walls for the revised balconies to meet the desire for privacy and solidity in Recommendation #4 without using brick at the corner walls.

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated April 15, 2003) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, streets and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.:

- A. Surveying and layout.
- B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a

requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 12 feet and will consist of approximately 3,600 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Construction of the project is proposed to last approximately 12 months. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require 360 round trips with 10-yard hauling trucks or 180 round trips with 20-yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, traffic and parking impacts warrant further analysis.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that units in residential mid-rise apartment structures units generate 0.44 vehicle trips in the P.M. peak period per unit. The 21 apartment units would generate approximately 9.2 vehicle trips per P.M. peak period. A specialty retail center generates approximately 2.59 vehicle trips per 1,000 square feet of floor area. The proposed 2,500 square feet of retail would produce approximate 6.5 vehicle trips in the weekday p.m. peak hour. Total new trips in the peak hour for the proposed structure are approximately 15.7 trips. The existing structure on site is roughly 4,450 square feet and once housed a vehicle repair shop. This type of business (auto care) would have generated an average of 4.01 vehicle trips per 1,000 square feet of space according to the ITE. However, a neighborhood facility such as the former auto shop would not likely have generated the same amount of traffic. At the low range of the ITE's studies is a more conservative figure of 2.76 vehicle trips during the p.m. peak hour. When the 12.3 vehicle trips in the p.m. peak hour produced by the vehicle repair shop are subtracted from the 15.7 vehicle trips of the proposed project, the proposed mixed-use building will produce a small increase of 3.4 in new trips in the p.m. peak hour.

The new trips added to the p.m. peak hour traffic will not seriously affect operations of the nearby intersections, so no SEPA mitigation of traffic impacts to this intersection is warranted.

Parking

The proposed 25 parking spaces meet the Land Use Code requirement for on-site parking. The on-site parking supply is less than the parking demand for the project, which is typically assumed to be a rate of 1.5 spaces per unit or 31.5 spaces. Anticipated parking spillover is approximately six to seven vehicles. A parking study for the Saxe Floral property, across 24th Avenue N.E., found that parking capacity in the evening was at 49 percent, which is well under the 85 percent capacity which would be cause for parking mitigation. Cumulatively, the seven space spillover from the Saxe property added to the six to seven from the subject site totals a potential need for 14 spaces. The Saxe parking study showed that for two nights an average of 238.5 cars were parked in the study area, where there were 484 legal on-street parking spaces available. An additional 14 vehicles parking on-street would increase the demand to 52 percent--well under the 85 percent capacity which would be cause for parking mitigation. The Saxe Floral study, conducted in September 2000, was supplemented by a DPD staff's visit to the area in December 2003 and finding that availability of on-street parking spaces was quite adequate.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

Update plans according to the following conditions:

1. Extend the courtyard's "London Cobble Stone" into the public right-of-way to the street curb or planting strip. The same pavers shall also connect the right-of-way to the other pedestrian entrances on N.E. 65th Street. These shall provide a contrast to the standard two foot by two foot sidewalk grid.
2. Revise one of the two courtyard entrance doors from the commercial storefront (Retail A) to be a casement window that swings open into to the courtyard.
3. Balcony walls overlooking the courtyard shall be brick masonry (substantially opaque) with the option of using a metal railing at the top.
4. Provide a traditional brick masonry pattern (examples include Flemish and English bonds), vary the colors of the brick, and change the brick's orientation (example using soldier courses or a small unit brick) at significant features such as window and door lintels.
5. Continue to wrap the brick masonry along the base of the north façade until approximately mid-point and terminate the masonry with a brick pier resembling the others in elevation.
6. Score the north façade's concrete wall to provide scale and nicer detail.
7. Revise the balcony railings to resemble the overhead signage at the courtyard. Metal balconies shall have decorative detail.
8. Provide a detailed landscape plan with plant species type and size to the DPD project planner.
9. Increase the size of the windows (or number of windows) on the east, south and west facades and enhance the amount of trim framing the windows. This shall serve to reduce the building's bulk.
10. Enhance the amount of vegetation in the planting strip along NE 65th Street.
11. Design the courtyard fountain for review and approval by the project planner.
12. Vary the color of the hardiboard walls. Stay within the earth tones but distinguish the colors from the adjacent building. Colors are subject to review and approval by the Land Use Planner.
13. Ensure that a small entry court is located at the building's southeast corner.

For the Life of the Project

14. Ensure that moveable tables and chairs are permanently located in the courtyard.

Non-Appealable Conditions

15. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
16. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 615-1392), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
17. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

CONDITIONS-SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

18. Attach a copy of the PSCAA demolition permit to the building permit set of plans.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

19. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.:
 - A. Surveying and layout.
 - B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

20. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DPD prior to each occurrence.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and is not subject to the additional noise mitigating conditions.

Signature: (signature on file) Date: December 18, 2003

Bruce P. Rips, AICP, Project Planner
Department of Planning and Development
Land Use Services

BPR:rgc

I:\RipsB\DOC\DESIGN REVIEW\DEC.2208884.doc